



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

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OFFICE OF  
ECOSYSTEMS, TRIBAL AND  
PUBLIC AFFAIRS

January 31, 2011

Jarbridge Planning Team  
BLM Jarbridge Field Office  
2536 Kimberly Road  
Twin Falls, Idaho 83301

Re: U.S. Environmental Protection Agency (EPA) Comments on the Jarbridge Resource Management Plan (RMP) and Draft Environmental Impact Statement (DEIS).  
(EPA Project Number: 06-002-BLM)

Dear Jarbridge Planning Team:

The EPA has reviewed the Jarbridge RMP and DEIS and we are submitting comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Under our policies and procedures, we evaluate the environmental impact of the proposed action and the adequacy of the impact statement. We have assigned an EC-1 rating to the DEIS. A copy of the EPA rating system is enclosed.

EPA believes the DEIS adequately sets forth the environmental impacts of the preferred alternative and those of the alternatives reasonably available to the RMP. The BLM staff is to be commended for an ambitious undertaking to address management challenges. We appreciate efforts taken to address issues identified by EPA at the scoping phase. In particular, the DEIS is responsive to our March 22, 2006 scoping comments on 303(d) listed streams; areas with wilderness characteristics; prescribed burning; fish and wildlife habitat, and habitat connectivity; and, the likelihood of introduction and spread of invasive species with the proposed management activities. We also note the BLM's substantial effort to make such a large and complex document accessible and understandable through consistency and systematic organization. Reference codes for management actions, definitions of impact terminology, and the organization of Chapter 4, all help to facilitate meaningful public comment.

While the DEIS is adequate overall, our enclosed comments suggest the addition of clarifying information. EPA's suggestions for additional clarifying information focus on livestock grazing, minerals, monitoring and adaptive management, and land use authorizations.

In addition to believing the DEIS is adequate overall, we support the preferred alternative's direction. Not only is the preferred alternative a substantial improvement over the no action alternative, it also ranks first of all the action alternatives with regard to:

- the attainment State water quality standards,
- the attainment of riparian objectives,
- improving Fire Regime Condition Class,
- maintaining geologic features,

- reducing impacts to soil resources,
- control or eradication of noxious weeds and invasive plants,
- creating a landscape dominated by native communities in a variety of seral stages and the lowest proportion of uncharacteristic vegetation of all the alternatives,
- improving rangeland health within the Horse Management Area, and
- maintaining wilderness characteristics on non-WSA lands.

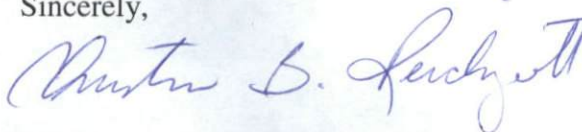
The preferred alternative is also predicted by the DEIS to have the next-to-least impact to air quality. We applaud the BLM's development of a preferred alternative which is superior to other alternatives with regard to many important environmental factors.

While we support the overall direction of the preferred alternative we have environmental concerns regarding potential adverse impacts to 303(d) listed streams and special status species. Corrective measures for our environmental concerns, detailed in the enclosed comments, relate to the size of proposed Areas of Critical Environmental Concern and the number of 303(d) listed stream miles open to mineral actions.

We would also like to note our particular support for allocation LA-IV-A- 5, "Wind farms can be considered in areas with annual or non-native perennial communities, consistent with stipulations for ROW avoidance areas and outside ROW exclusion areas. Map 82 displays areas meeting these criteria in 2009; the map can be updated as vegetation conditions change on the ground." (DEIS, p. 2-175). Clear allocations such as this serve to protect special status species, restrict disturbance to altered sites, and, prioritize land use authorizations to areas of low resource conflict.

If you have any questions or concerns please contact Erik Peterson of my staff at (206) 553-6382 or by electronic mail at [peterson.erik@epa.gov](mailto:peterson.erik@epa.gov) . You may contact me at (206) 553-1601.

Sincerely,



Christine B. Reichgott, Manager  
Environmental Review and Sediment Management Unit

Enclosures:

EPA Detailed Comments on the Jarbidge Resource Management Plan and Draft Environmental Impact Statement

EPA Rating System for Draft Environmental Impact Statements

## **EPA DETAILED COMMENTS ON THE JARBIDGE RESOURCE MANAGEMENT PLAN AND DRAFT ENVIRONMENTAL IMPACT STATEMENT**

### **Corrective Measures for Environmental Concerns**

To address our environmental concerns we recommend the BLM consider the following corrective measures.

#### **Areas of Critical Environmental Concern (ACEC).**

We are concerned that the preferred alternative (IV-B) only proposes special management (which occurs on ACECs) for 54% of the lands containing relevant and important values. Sub-alternative IV-A, on the other hand, proposes special management for 71% of the lands containing relevant and important values. This sub-alternatives special management difference represents a substantial opportunity for improved environmental benefits. Increased area and degree of special management is an opportunity for substantial environmental benefits because, we believe, consistent with the DEIS, that lands without special management carry a greater risk that relevant and important values will not be maintained (DEIS, p. 4-735).

In addition to the overall difference between sub-alternatives for special management of lands containing relevant and important values we note the following specific differences between the sub-alternatives for special management of lands containing selected relevant and important values. Namely, the preferred alternative proposes special management for – relative to sub-alternative IV-A: 51% less of the planning area's lands containing upland vegetation values; 26% less of the lands containing redband trout values; 17% less of lands containing sage-grouse values; 100% less of lands containing spotted frog values; 28,000 fewer acres with slickspot peppergrass values; and, 32 fewer miles of 303(d) listed streams (DEIS, p. 4-734, Table 4-348, and Table 4-59).

We believe the overall and specific differences between sub-alternatives described above represent a substantial opportunity to decrease risks to special status species and improve the likelihood that water quality standards will be attained. To take advantage of this opportunity for improved environmental benefits we recommend the BLM strongly consider committing to Alternative IV-A's ACEC designations.

#### **Minerals**

We are concerned that the preferred alternative would designate as open to minerals actions the following Riparian Conservation Areas (RCAs) around 303(d) listed streams: 16 miles for oil and gas leasing, 86 miles for geothermal, and, 88 miles for salable mineral development (DEIS, p. 4-115 and 4-116). To reduce the risk of adverse impacts to 303(d) listed streams, we recommend these areas be closed to minerals actions. We appreciate that the preferred alternative does close many miles of 303(d) listed streams' RCAs (approximately 75 miles). If additional miles cannot reasonably be closed, the FEIS should explain why and describe how Clean Water Act requirements would be met regardless.

#### **Clarifying Information**

We recommend the following issues be addressed in the FEIS with clarifying information. Where clarifying information identifies environmental concerns or opportunities

for environmental benefits, we recommend the BLM consider the development of additional goals, objectives, allocations or management actions.

### **Livestock Grazing**

- To prioritize the utilization of high resource, low conflict lands we recommend the FEIS include a process for permit relinquishment. Consider replicating the approach adopted by the BLM Prineville District in the Upper Deschutes Resource Management Plan and Final EIS.<sup>1</sup>
- To protect fish we recommend the FEIS consider the benefits of screening pumps at drafting sites to prevent entrainment and the installation of one-way valves to prevent back-flow into streams.
- To protect water resources and riparian areas we recommend the FEIS consider prohibiting the installation of livestock handling, management or watering facilities within riparian management areas unless required for resource management.
- To protect relevant planning area resources we recommend the FEIS consider the environmental benefits of timing restrictions for the grazing of cattle.
- To adequately analyze the impacts of Reserve Common Allotments (RCAs) on water resources we recommend the FEIS include additional information. Stating that RCAs will follow the Aquatic and Riparian Management Strategy (ARMS) does not sufficiently disclose the impacts of utilizing RCAs (see DEIS page 4-105).
- We recommend clarifying information with regard to the following impact from Temporary Non-Renewable Authorizations (TNR), "Issuing TNR late in the grazing season would pose an increased risk to water quality where reduced condition is related to livestock grazing." (p. 4-104). We are unsure if this impact is indeed specific to TNRs. If this impact – or others – are indeed specific to TNRs (relative to other grazing allotments), we recommend that the FEIS's TNRs be designed in such a way that increased risks to water quality (or other resources) are eliminated. If such restrictions are not possible, we do not support the use of TNRs.

### **Minerals**

- EPA has an ongoing interest in ensuring that future mining activities not cause or contribute to existing environmental problems would like to affirm the importance of including adequate and complete financial assurance information in all BLM Draft NEPA documents prepared for proposed mining projects.

### **Monitoring and Adaptive Management**

- We appreciate the effectiveness monitoring proposed for Riparian Areas and Wetland in Table P-1. To maximize the usefulness of this monitoring, as an aspect of adaptive management (either related to Appendix D or P), we recommend the FEIS include clarifying information on intervals and standards (consistent with 43 CFR Sub-part 1610.4-9), and, decision thresholds and adaptive management actions. Please disclose the potential usefulness of establishing decision thresholds based on one or more of the following: (i) the attainment of water quality standards; (ii) the achievement of stream miles meeting Properly Functioning Condition (PFC) – e.g., 98 miles over the life of the

<sup>1</sup> Federal Register: 1/14/05, Vol. 70, No. 10 p. 2653-2654

plan for Alternative IV; (iii) the establishment of healthy riparian conditions – e.g., potential natural vegetation. Please also design and propose, or discuss the potential usefulness of, specific adaptive management actions. Consider, for example and as appropriate, closing additional priority 1 and 2 303(d) listed streams to livestock grazing, reducing wild horse herd numbers, travel management restrictions etc.

#### **Land Use Authorizations**

- We support clear management actions for Right of Way (ROW) authorizations. Management actions such as, LA-CA-MA- 4, “New ROWs would meet VRM class objectives.” provide clear direction and help to facilitate the RMP’s effectiveness. To better describe and disclose the implications of LA-CA-MA- 1, “Place new ROWs for pipelines and overhead lines within ROW corridors where practical; other locations would be considered on a case-by-case basis in areas not identified for ROW avoidance or exclusion, consistent with allocations listed above.”, we recommend the FEIS include additional clarifying information on how this management action appears to prohibit case-by-case ROW consideration in “avoidance areas”.

**U.S. Environmental Protection Agency Rating System for  
Draft Environmental Impact Statements  
Definitions and Follow-Up Action\***

**Environmental Impact of the Action**

**LO – Lack of Objections**

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

**EC – Environmental Concerns**

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

**EO – Environmental Objections**

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

**EU – Environmentally Unsatisfactory**

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

**Adequacy of the Impact Statement**

**Category 1 – Adequate**

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

**Category 2 – Insufficient Information**

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

**Category 3 – Inadequate**

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.